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**MAY 15 2006**

*Attorney Docket RSW920030197US1*

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

In re application of James M. Mathewson II, et al

Serial Nbr: 10/666,700

Filed: September 19, 2003

For: Using Radio Frequency Identification with Transaction Receipts to Detect  
and/or Prevent Theft and Shoplifting

Art Unit: 2636

Examiner: Anne Viet Nga Lai

**DECLARATION OF FACT UNDER 37 C.F.R. §1.131**

We, James M. Mathewson, II and Marcia L. Stockton, hereby declare the following:

1) We are co-inventors of the invention described and claimed in U. S. Patent Application Number 10/666,700 (hereinafter, "the Subject Application"), entitled "Using Radio Frequency Identification with Transaction Receipts to Detect and/or Prevent Theft and Shoplifting", filed on September 19, 2003.

2) We conceived of and reduced to practice the invention -- as described and claimed in Claims 1 - 30 of the Subject Application (hereinafter, "the claimed invention") -- in this country before July 16, 2003. Our prior conception and reduction to practice are evidenced by the following:

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a) Attached hereto as Exhibit A are selected pages of an Invention Disclosure document prepared prior to July 16, 2003. These pages describe the claimed invention, which comprises (in a first aspect) a method, system, and computer program product for preparing information usable in theft detection using radio frequency identification ("RFID") technology, by reading, from an RFID tag affixed to each of one or more items presented for purchase, identifying information for that item; and storing the identifying information for each item in machine-readable form on a printed sales receipt reflecting the presented items, in addition to printing a conventional itemized purchase list on the printed sales receipt to reflect the presented items, wherein the stored identifying information is stored in a first area of the printed sales receipt that is separate from a second area of the printed sales receipt in which the conventional itemized purchase list is printed and which comprises (in a second aspect) a method, system, and computer program product for detecting potential theft using RFID technology by scanning a printed sales receipt for identifying information stored thereon, in a machine-readable form, to reflect each of one or more items that were presented for purchase in a previous sales transaction represented by the printed sales receipt, wherein the identifying information is stored on the printed sales receipt in a first area that is separate from a second area of the printed sales receipt in which conventional itemized purchase information for the one or more items is printed; searching, in an RFID tag affixed to each of one or more items possessed by a shopper who also possesses the printed sales receipt, to locate corresponding identifying information for each possessed item; and concluding that selected ones of the items possessed by the shopper were not paid for if the identifying information located for the selected items is not detected by the scanning. (Portions of the Invention Disclosure may be redacted to remove information not

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necessary to establish the invention's conception or reduction to practice.)

b) The Invention Disclosure document was forwarded to a registered patent attorney prior to July 16, 2003 for the purpose of preparing and filing a utility patent application, which led to the September 19, 2003 filing of the Subject Application.

3) Accordingly, the claimed invention was conceived and reduced to practice before July 16, 2003, and further the claimed invention was diligently reduced to constructive practice from prior to July 16, 2003 to the filing of the Subject Application on September 19, 2003.

4) We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U. S. C. §1001; and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

  
James M. Mathewson, II

05/15/2006  
Date

\_\_\_\_\_  
Marcia L. Stockton

\_\_\_\_\_  
Date

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4) We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U. S. C. §1001; and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

James M. Mathewson, II

Date

*Marcia L. Stockton*

Marcia L. Stockton

Date

5-15-06

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